IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FARAD CONTINUATION SHEET.
CIVIL APPLICATION NO.273 OF 2005
IN
APPEAL FROM ORDER NO.267 OF 2005

Wahid Ali Khan Kasam Khan ...Applicant

vs.

Municipal Corporation of
Greater Mumbai & Anr. ...Respondents

CORAM: A.S.OKA,J.
DATE : APRIL 15,2005.

P.C.:

1. Heard Advocates for the parties. Considering the fact that the Appeal is admitted for final hearing, till the disposal of the Appeal, suit structure cannot be allowed to be demolished. Prima facie, I find that the impugned Judgment and Order does not consider all the documents which are placed on record by the original Plaintiff. Hence, Civil Application is disposed of by directing that till the final disposal of the Appeal, the Appellant and the Respondent No.1 will maintain status quo in all respects in respect of the suit structure.

2. It is made clear that pendency of the Appeal will not operate as stay of the proceedings of suit and the Trial Court will proceed with the hearing of the suit.

3. Hearing of the Appeal is expedited.

JUDGE.